
19th FEBRUARY, 1803.

Read the first and second time, and ordered to be committed to a Committee of the whole House on Tuesday next.

A B I L L

Regulating the grants of land, and providing for the disposal of the lands of the United States, south of the State of Tennessee.

1 **Be it enacted**, by the Senate and House of Representa-
2 tives of the United States of America, in Congress assembled,
3 That any person or persons, and the legal representatives of any
4 person or persons, who were resident in the Mississippi territory
5 on the twenty-seventh day of October, in the year one thousand
6 seven hundred ninety-five, and who had prior to that day obtained
7 either from the British government of West Florida, or from the
8 Spanish government, any warrant or order of survey for lands
9 lying within the said territory, to which the Indian title had been
10 extinguished, and which on that day actually inhabited and culti-

11 vated by such person or persons, or for his or their use, shall be
 12 confirmed in their claims to such lands in the same manner as if
 13 their titles had been completed: *Provided however*, That no such
 14 incomplete title shall be confirmed, unless the person in whose
 15 name such warrant or order of survey had been granted, was at
 16 the time of its date either the head of a family, or above the age
 17 of ~~twenty-one~~ years.

1 SECT. 2. *And be it further enacted*, That to every person, or
 2 to the legal representative or representatives of every person
 3 who, being either the head of a family, or of twenty-one years
 4 of age, did on that day of the year seventeen hundred and ninety-
 5 seven, when the Mississippi territory ~~was~~ finally evacuated by the
 6 Spanish troops, actually inhabit and cultivate a tract of land in
 7 the said territory, not claimed by virtue of the preceding section,
 8 or of any British grant, or of the articles of agreement and cession
 9 between the United States and the state of Georgia, the said tract
 10 of land thus inhabited and cultivated, shall be granted: *Provided*
 11 *however*, That not more than one tract shall be thus granted to
 12 any one person, and the same shall not contain more than six
 13 hundred and forty acres: *And provided also*, That this donation
 14 shall not be made to any person who claims any other tract of
 15 land in the said territory by virtue of any British or Spanish
 16 grant, or order of survey.

1 SECT. 3. *And be it further enacted*, That every person, and
 2 the legal representatives of every person, who then being the head

3 of a family, or above the age of twenty-one years, did on the
 4 twenty-fourth day of April, in the year eighteen hundred and two,
 5 inhabit and cultivate a tract of land in the said territory, not
 6 claimed by virtue of the preceding sections of this act, or of any
 7 British grant, or of the articles of agreement and cession above
 8 mentioned, shall be entitled to a preference in becoming the pur-
 9 chafer from the United States, of such tract of land, at the price at
 10 which the other lands of the United States in the said territory,
 11 are by this act directed to be sold ; and payment may be made
 12 therefor in the same manner, and under the same conditions as
 13 directed by this act for such other lands : *Provided however,*
 14 That no interest shall be charged upon any of the instalments
 15 until they respectively become payable.

1 SECT. 4. *And be it further enacted,* That for the disposal of
 2 the lands of the United States within the Mississippi territory, two
 3 land offices shall be established in the same, one at Natchez, for
 4 the lands lying west of " Pearl river," sometimes called " half
 5 way river ;" and one at such place in the county of Washington,
 6 as shall be designated by the President of the United States, for
 7 the lands lying east of Pearl river ; and for each of the said offices,
 8 a register and a receiver of public monies shall be appointed, who
 9 shall give security in the same manner, and in the same sums, and
 10 whose duties and authority shall in every respect be the same in
 11 relation to the lands which shall be disposed of at their offices, as
 12 are by law provided in relation to the registers and the receivers

13 of public monies in the several offices established for the disposal
 14 of the lands of the United States, north of the river Ohio, and
 15 above the mouth of Kentucky river.

1 SECT. 5. *And be it further enacted,* That every person claim-
 2 ing lands by virtue of any British grant, or of the three first sec-
 3 tions of this act, or of the articles of agreement and cession between
 4 the United States and the state of Georgia, shall before the last
 5 day of March, in the year one thousand eight hundred and four,
 6 deliver to the register of the land office, within whose district the
 7 land may lie, a notice in writing, stating the nature and extent of
 8 his claims, together with a plot of the tract or tracts claimed, and
 9 shall also on or before that day, deliver to the said register, for
 10 the purpose of being recorded, every grant, order of survey, deed,
 11 conveyance, or other written evidence of his claim, and the same
 12 shall be recorded by the said register, in books to be kept for that
 13 purpose, on receiving from the parties at the rate of
 14 cents, for every hundred words contained in such written evi-
 15 dence of their claim; and if such person shall neglect to deliver
 16 such notice in writing, of his claim, together with a plot as afore-
 17 said, or cause to be recorded such written evidence of the same,
 18 all his right, so far as the same is derived from the above mention-
 19 ed articles of agreement, or from the three first sections of this
 20 act, shall become void, and forever thereafter be barred; nor
 21 shall any grant, order of survey, deed, conveyance, or other writ-
 22 ten evidence, which shall not be recorded as above directed, ever

23 after be considered or admitted as evidence in any court in the
 24 United States, against any grant derived from the United States.

1 SECT. 6. *And be it further enacted,* That the register of the
 2 land office at Natchez, and two other persons who shall be ap-
 3 pointed by the President of the United States, shall for the lands
 4 lying west of Pearl river, and the register of the land office of
 5 Washington county, together with two other persons who shall be
 6 appointed by the President of the United States, shall for the lands
 7 lying east of Pearl river, respectively be commissioners, for the
 8 purpose of ascertaining the rights of persons, claiming the benefit
 9 of the articles of agreement and cession between the United States
 10 and the state of Georgia, or of the three first sections of this act ;
 11 and the said commissioners shall, previous to entering on the
 12 duties of their appointment, respectively take and subscribe the
 13 following oath or affirmation, before some person qualified to ad-
 14 minister the same: " I do solemnly swear (or affirm)
 15 that I will impartially exercise and discharge the duties imposed
 16 upon me, by an act of Congress, entitled, an act

17
 18
 19 to the best of my skill and judgment." And it shall be the duty
 20 of the said commissioners to meet at Natchez, and in Washington
 21 county aforesaid, respectively, on or before the first day of Decem-
 22 ber next, and they shall not adjourn to any other place, or for a
 23 longer time than three days, until the first day of April, one thou-

24 and eight hundred and four, and until they shall have completed
25 the business of their appointment. And each board, or a majority
26 of each board, shall, in their respective districts, have power
27 to hear and decide in a summary manner, all matters respecting
28 such claims, also to administer oaths and examine witnesses, and
29 such other testimony as may be adduced, and to determine thereon
30 according to justice and equity ; which determination, so far as
31 relates to any rights derived from the articles of agreement above
32 mentioned, or from the three first sections of this act, shall be
33 final. And when it shall appear to them that the claimant is
34 entitled to a tract of land in virtue of a British or Spanish grant
35 legally and fully executed, they shall give a certificate thereof,
36 describing the tract of land and the grant, and stating that the
37 claimant is confirmed in his title thereto by virtue of the articles
38 of agreement above mentioned ; which certificate, being recorded
39 by the register of the land office, whose duty it shall be to record
40 the same in a book to be kept by him for that purpose, shall
41 amount to a relinquishment forever on the part of the United
42 States to any claim whatever to such tract of land : and when it shall
43 appear to the said commissioners that the claimant is entitled to a
44 tract of land by virtue of either of the two first sections of this act,
45 they shall give a certificate thereof, stating the circumstances of the
46 case, and that the claimant is entitled to receive a patent for such
47 a tract of land by virtue of this act ; which certificate being duly
48 entered with the register of the land office, on or before the first

49 day of January, eighteen hundred and five, shall entitle the party
 50 to a patent for the said tract, which shall issue in like manner as is
 51 provided by this act for the other lands of the United States,
 52 without the party paying any thing therefor, except the surveying
 53 expenses and the fees of office. And when it shall appear to the
 54 said commissioners that the claimant is entitled to a right of pre-
 55 emption by virtue of the third section of this act, they shall give a
 56 certificate thereof, directed to the register of the land office ;
 57 which certificate being duly entered with the register of the land
 58 office, on or before the first day of January, eighteen hundred and
 59 five, shall entitle the party to become a purchaser for such tract
 60 of land : *Provided*, That he shall at the same time also produce
 61 a receipt from the treasurer of the United States, or from the
 62 receiver of public monies for at least one fourth part of the pur-
 63 chase money, and also for the payment of the surveying expenses ;
 64 and the party shall upon payment in full of the purchase money,
 65 on which, if any of the three last payments shall be made in
 66 advance, he shall be allowed the same discount allowed in similar
 67 cases by this act, be entitled to receive a patent, which shall issue in
 68 like manner, and on payment of the same fees as are provided by
 69 this act for the other lands of the United States : but if such per-
 70 son shall neglect to enter his certificate, or to make such payment
 71 on or before the first day of January, eighteen hundred and five,
 72 his right of pre-emption shall cease and become void : *Provided*
 73 *also, and it is further enacted*, That whenever a tract of land to

74 which any person might be entitled by virtue of the three first
 75 sections of this act, shall also be claimed by the holder of a British
 76 patent, legally and fully executed, and duly recorded in confor-
 77 mity to the provisions of this act, who is not confirmed in his
 78 claim by the articles of agreement above mentioned, the commis-
 79 sioners shall in the certificate granted to the person claiming the
 80 land by virtue of this act, state the existence of the adverse claims,
 81 which certificate being entered with the register of the land office,
 82 shall amount to a relinquishment forever on the part of the United
 83 States to any claim whatever to such tract of land, but shall not
 84 entitle the party to a patent unless he shall have obtained in his
 85 favor a judicial decision in a court having jurisdiction therein.

1 SECT. 7. *And be it further enacted,* That the commissioners
 2 aforesaid, shall, on or before the first day of December, one
 3 thousand eight hundred and four, make to the secretary of the
 4 treasury a full report of all the British grants legally and fully
 5 executed, which have been duly recorded in conformity to the
 6 provisions of this act, the title of which is not confirmed to the
 7 holders thereof, by the articles of agreement above mentioned,
 8 stating the present situation of the lands, the date of such grants,
 9 the conditions annexed thereto, and how far the same have been
 10 fulfilled, together with such other remarks thereon as they may
 11 think proper; which report shall be laid before Congress at their
 12 next session, and the lands contained in such grants shall not be
 13 otherwise disposed of, until the end of one year after that time.

1 SECT. 8. *And be it further enacted,* That so much of the five
 2 millions of acres reserved for that purpose by the articles of
 3 agreement above mentioned, as may be necessary to satisfy the
 4 claims not confirmed by that agreement, which are embraced by
 5 the two first sections of this act, or which may be derived from
 6 British grants for lands which have not been regranted by the
 7 Spanish government, be, and the same is hereby appropriated for
 8 that purpose.

1 SECT. 9. *And be it further enacted,* That a surveyor of the
 2 lands of the United States, south of the state of Tennessee, shall
 3 be appointed, whose duty it shall be to engage a sufficient number
 4 of skilful surveyors as his deputies, and to cause the lands above
 5 mentioned, to which the titles of the Indian tribes have been ex-
 6 tinguished, to be surveyed and divided in the manner hereafter
 7 directed, and to do and perform all such other acts in relation to
 8 the said lands, as the surveyor general is authorized and directed
 9 to do in relation to the lands lying north west of the river Ohio,
 10 and above the mouth of the river Kentucky.

1 SECT. 10. *And be it further enacted,* That the lands for which
 2 certificates of any description whatever, shall have been granted
 3 by the commissioners in pursuance of the provisions of this act,
 4 shall as soon as may be, be surveyed under the direction of the
 5 surveyor of the lands of the United States, above mentioned, in
 6 conformity to the true tenor and intent of such certificates, and
 7 the said surveyor shall also cause all the other lands of the United

8 States, in the Mississippi territory, to which the Indian title has
 9 been extinguished, to be surveyed as far as practicable, into town-
 10 ships, and subdivided into half sections, in the manner provided
 11 for the surveying of the lands of the United States situate north
 12 west of the river Ohio, and above the mouth of Kentucky
 13 river, and shall transmit to the registers of the land offices re-
 14 spectively, general and particular plots of all the lands surveyed
 15 as aforesaid, and shall also forward copies of the said plots to
 16 the secretary of the treasury; and he shall also, with the ap-
 17 probation of the said secretary, fix the compensation of the de-
 18 puty surveyors, chain carriers, and axe men: *Provided*, that the
 19 whole expense of surveying and marking the lines shall not ex-
 20 ceed four dollars for every mile that shall be actually run, survey-
 21 ed and marked: *And provided*, that the expense of surveying
 22 those tracts of land, to which the title of the claimants is con-
 23 firmed by the articles of agreement, or by the two first sections
 24 of this act, and those tracts claimed under British grants, a return
 25 of which is to be made to Congress, shall not be advanced by
 26 the United States, but shall be paid to the deputy surveyor by
 27 the parties claiming the same; and that in relation to all the lands
 28 sold by the United States, the purchaser shall make the same pay-
 29 ment for surveying expenses, which is directed by law to be made
 30 for lands sold north of the river Ohio.

1 SECT. 11. *And be it further enacted*, That all the lands afore-
 2 said, not otherwise disposed of or excepted by virtue of the pre-

3 ceding sections of this act, shall, with the exception of the section
 4 number sixteen, which shall be reserved in each township for the
 5 support of schools within the same, be offered for sale to the
 6 highest bidder, under the direction of the governor of the Missis-
 7 sippi territory, of the surveyor of the lands of the United States,
 8 above mentioned, and of the register of the land office at the
 9 places respectively, where the land offices are kept, and on such
 10 day or days as shall, by a public proclamation of the President of
 11 the United States, be designated for that purpose. The sales shall
 12 remain open at each place for three weeks and no longer; and all
 13 lands, other than the section number sixteen, remaining unsold at
 14 the closing of the public sales, may be disposed of at private sale
 15 by the registers of the respective land offices in the same manner,
 16 under the same regulations, for the same price, and on the same
 17 terms and conditions as is provided by law, for the sale of the
 18 lands of the United States, north of the river Ohio, by an act,
 19 intituled, "An Act to amend the act intituled, an Act providing
 20 for the sale of the lands of the United States, in the territory
 21 north west of the Ohio, and above the mouth of Kentucky river:"
 22 *Provided always*, That the lands which may be sold at public
 23 sale by virtue of this act, shall not be sold for less than two dol-
 24 lars per acre, and shall in every other respect be sold on the same
 25 terms and conditions as was provided for the lands sold at
 26 public sale, by the last recited act. And patents shall be
 27 obtained for all lands granted or sold in the Mississippi ter-

28' ritory in the same manner and on payment of the same fees as
 29' is provided for lands sold north of the river Ohio, by the said last
 30' recited act; *Provided however*, that until the payment to the state
 31' of Georgia, as contracted for in the above mentioned articles of
 32' agreement and cession, shall have been completed, evidences of
 33' the public debt of the United States shall not be received in pay-
 34' ment for the purchase of the said lands.

1 SECT. 12. *And be it further enacted*, That the registers of the
 2 land offices, and the receivers of public monies, appointed in
 3 pursuance of this act, shall receive the same fees and compen-
 4 sation as the registers and receivers of the land offices, north of the
 5 river Ohio. The surveyor of the lands of the United States,
 6 appointed in pursuance of this act, shall receive an annual com-
 7 pensation of fifteen hundred dollars; and shall be allowed not
 8 exceeding two clerks, whose whole compensation shall not exceed
 9 one thousand dollars per annum. The commissioners appointed
 10 to ascertain the rights of persons claiming the benefit of the arti-
 11 cles of agreement above mentioned, and of this act, shall receive
 12 each a compensation of _____ for the whole
 13 of their services, the registers of the land offices excepted, who
 14 shall receive only five hundred dollars each, for their services as
 15 commissioners; and the superintendants of the public sales shall
 16 receive six dollars each, for each day's attendance on the said sales.

1 SECT. 13. *And be it further enacted*, That the President of
 2 the United States shall have full power to appoint and commission

3 the surveyor, registers of the land offices, and receivers of public
 4 monies above mentioned, in the recess of Congress; and their
 5 commissions shall continue in force until the end of the session
 6 of Congress next ensuing such appointment.

1 SECT. 14. *And be it further enacted*, That a sum not exceeding
 2 twenty thousand dollars, be, and the same is hereby appropriated
 3 for the purpose of carrying this act into effect; which sum shall
 4 be paid out of any unappropriated monies in the treasury.

1 SECT. 15. *And be it further enacted*, That the nett proceeds of
 2 the lands which may be sold by virtue of this act, after deducting
 3 the surveying expenses and other expenses incident to the sale
 4 thereof, shall, and the same are hereby appropriated in the first
 5 place, towards paying to the state of Georgia a sum of one million
 6 two hundred and fifty thousand dollars, in pursuance of the arti-
 7 cles of agreement and cession entered into between the United
 8 States and that state; and the secretary of the treasury is hereby
 9 authorized and directed to pay accordingly, and from time to
 10 time, as the same shall be received in the treasury of the United
 11 States, so much of the said nett proceeds as will amount to the
 12 said sum of one million two hundred and fifty thousand dollars.

1 SECT. 16. *And be it further enacted*, That all navigable rivers
 2 within the territory of the United States, south of the state of
 3 Tennessee, shall be deemed to be and remain public highways.

D